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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA, )  
13 Plaintiff, )  
14 v. ) 2:13-CR-372-GMN-(VCF)  
15 KEITH JOHN ANDERSON, )  
16 Defendant. )

17 **UNITED STATES OF AMERICA'S REDACTED UNOPPOSED MOTION TO SEIZE**  
\$807,496.06 IN UNITED STATES CURRENCY FOR RESTITUTION AND \$100 IN UNITED  
18 STATES CURRENCY FOR THE MANDATORY ASSESSMENT

19 The United States of America ("United States"), by and through Daniel G. Bogden, United States  
20 Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney,  
21 respectfully moves this Court, pursuant to Title 18, United States Code, Section 3572(d)(1), to authorize  
22 the Federal Bureau of Investigation ("FBI") (1) to seize \$807,496.06 in United States Currency for  
23 restitution and \$100 in United States Currency for the mandatory assessment from defendant's Charles  
24 Schwab One Trust account, in the name of Keith John Anderson TTEE KJA Trust, account number  
25 ...  
26 ...

1 [REDACTED]<sup>1</sup>; (2) to require Charles Schwab (a) to print immediately the appropriate information that  
2 shows all the assets that are in Keith John Anderson's Charles Schwab One Trust account; (b) to liquidate  
3 the properties that are not cash into cash up to the amount of \$807,596.06; (c) to issue a cashier's check  
4 in the amount of \$807,596.06, made payable to "Clerk-US District Court"; and (d) to immediately turn  
5 over the cashier's check to the FBI; and (3) to deliver said check to the Clerk of the Court to apply  
6 towards restitution and the mandatory assessment owed by defendant Keith John Anderson  
7 ("Anderson").

8 The grounds for this motion are (1) Title 18, United States Code, Section 3572(d)(1) provides for  
9 the immediate payment of restitution and monetary penalties; (2) Anderson owes the restitution and  
10 monetary penalties; (3) Anderson agreed to make full restitution at his Change of Plea hearing; and (4)  
11 Anderson has agreed that the FBI will seize \$807,496.06 in United States Currency and \$100 in United  
12 States Currency from his Charles Schwab account to be applied towards the restitution to the victims and  
13 to pay his mandatory assessment. Plea Agreement, ECF No. 7. Change of Plea Minutes, ECF No. 10.

14 Entering an order authorizing the FBI to seize the \$807,496.06 in United States Currency and  
15 \$100 in United States Currency to apply towards restitution and the mandatory assessment owed by  
16 Anderson is a reasonable and available means to enforce the immediate payment of monetary penalties.  
17 Therefore, this Court should grant this motion.

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21 <sup>1</sup> This motion has been submitted under seal to identify the defendant's specific financial account  
22 number. Fed. R. Crim. P. 49.1 protects social security numbers, taxpayer-identification numbers,  
23 birth dates, financial account numbers, and home addresses. The United States has  
24 contemporaneously submitted a redacted Motion in compliance with Fed. R. Crim. P. 49.1 to protect  
25 defendant's personal identifying information. Fed. R. Crim. P. 49.1(d) authorizes this Court to file  
26 the redacted Motion and Order for the public record. The Court must sign the redacted order. The  
Court retains the unredacted Motion and Order under seal as part of the record. Fed. R. Crim P.  
49.1(f). The sealed order must be signed, must be returned to the United States, and must be served  
on Charles Schwab to ensure it obeys the Order. By filing the redacted Motion and Order, the public  
will have some knowledge concerning the case, but the defendant's personal identifying information  
will be protected.

This motion is made and is based on the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and the attached proposed order.

DATED this 10th day of December, 2013.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/Daniel D. Hollingsworth  
DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. STATEMENT OF CASE

## A. Procedural History

4 A One-Count Criminal Information was brought against Keith John Anderson (“Anderson”) on  
5 October 8, 2013, charging Anderson with Wire Fraud in violation of Title 18, United States Code,  
6 Section 1343; and alleged forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and  
7 Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p). A Bill  
8 of Particulars was filed on October 6, 2013, seeking a criminal forfeiture money judgment of  
9 \$807,496.06 in United States Currency, including \$282,305.45 in United States Currency. Criminal  
10 Information, ECF No. 5; Bill of Particulars, ECF No. 2.

11 On October 9, 2013, Anderson pled guilty to the One-Count Criminal Information (ECF No. 5).  
12 Anderson agreed to make full restitution in the amount of \$807,496.06. Plea Agreement, ECF No. 7;  
13 Change of Plea Minutes, ECF No. 10. On October 17, 2013, this Court entered a Preliminary Order of  
14 Forfeiture (ECF No. 12) against Anderson for a criminal forfeiture money judgment of \$807,496.06 in  
15 United States Currency, including \$282,305.45 in United States Currency previously seized from  
16 Anderson.

## 17 | B. Statement of the Facts

18        Between on or about November 11, 2009, and on or about December 31, 2012, Anderson was  
19 employed as a claims adjuster, processor and file manager for North American Risk Services (“NARS”),  
20 a third party administrator for Clarendon America Insurance Company and Clarendon National Insurance  
21 Company (“Clarendon”). In that capacity, the defendant electronically processed and caused to be  
22 processed in interstate commerce billing invoices, including invoices submitted by document imaging  
23 companies for copying services requested by legal firms that performed work for Clarendon’s insured.  
24 *See Criminal Information, ECF No. 5; Plea Agreement, ECF No. 7.*

25 In execution of his scheme and artifice to defraud, the defendant incorporated several  
26 business entities under his and another person's name and submitted the entities' names and billing

1 invoices to NARS under the pretense that the companies would and did provide document imaging  
2 services for law firms working for Clarendon's insured, when the defendant then knew that these  
3 entities did not provide such services and knew that the entities' sole purpose was to serve as a  
4 means for the defendant to create and submit fraudulent invoices. The entities the defendant created  
5 and used in the fraudulent scheme included LVV Legal Services LLC, LVV Engineering, Wings  
6 Legal Service, and Sunrise Legal Services. To receive payment the defendant opened bank accounts  
7 associated with the business entities he created, and transferred money into and between the bank  
8 accounts. *See* Criminal Information, ECF No. 5; Plea Agreement, ECF No. 7.

9 Within the past five months, Anderson has kept a balance of approximately \$2,202,497.64 in  
10 United States Currency in his Charles Schwab One Trust Account, in the name of Keith John Anderson  
11 TTEE KJA Trust, account number [REDACTED]. The United States is only interested in seizing  
12 \$807,496.06 to be applied towards restitution and \$100 to be applied to the mandatory assessment owed  
13 by Anderson. Anderson has sufficient financial resources and is able to pay all of the restitution and his  
14 mandatory assessment immediately.

15 **II. ARGUMENT**

16 The \$807,596.06 in United States Currency that we are requesting the FBI be authorized to seize  
17 should be applied to Anderson's restitution and mandatory assessment. Title 18, United States Code,  
18 Section 3572 "is the general guide for determining the payment terms of restitution obligations." *United*  
19 *States v. Martin*, 278 F.3d 988, 1006 (9th Cir. 2002). "Immediate repayment is the general rule: A  
20 person sentenced to pay a fine or other monetary penalty, including restitution, shall make such payment  
21 immediately, unless, in the interest of justice, the court provides for payment on a date certain or in  
22 installments." *Id.* (citation and quotation mark omitted) (quoting 18 U.S.C. § 3572(d)). Anderson has  
23 sufficient properties to pay all of the restitution and other monetary penalties immediately. He has also  
24 agreed to the immediate payment.

25 This Court will not abuse its discretion or err by ordering the restitution and other monetary  
26 penalties paid immediately. *Martin*, 278 F.3d at 1006. This Court has sufficient evidence before it to

1 determine that Anderson has sufficient financial resources to order immediate payment of restitution and  
2 other monetary penalties. *Id.*

3 On December 9, 2013, Donald J. Green, counsel for Keith John Anderson, agreed to this  
4 Unopposed Motion and authorized the United States to file it and seize the \$807,596.06 in United States  
5 Currency from defendant's Charles Schwab One Trust account, in the name of Keith John Anderson  
6 TTEE KJA Trust, account number [REDACTED], to be applied towards restitution and the mandatory  
7 assessment owed by Anderson.

8 **III. CONCLUSION**

9 Based on the foregoing, the Court should authorize the FBI (1) to seize \$807,496.06 in United  
10 States Currency for restitution and \$100 in United States Currency for the mandatory assessment from  
11 defendant's Charles Schwab One Trust account, in the name of Keith John Anderson TTEE KJA Trust,  
12 account number [REDACTED]; (2) to require Charles Schwab (a) to print immediately the appropriate  
13 information that shows all the assets that are in Keith John Anderson's Charles Schwab One Trust  
14 account; (b) to liquidate the properties that are not cash into cash up to the amount of \$807,596.06; (c) to  
15 issue a cashier's check in the amount of \$807,596.06, made payable to "Clerk-US District Court"; and (d)  
16 to immediately turn over the cashier's check to the FBI; and (3) to deliver said check to the Clerk of the  
17 Court to apply towards restitution and the mandatory assessment owed by Anderson.

18 DATED this 10th day of December, 2013.

19 Respectfully submitted,

20 DANIEL G. BOGDEN  
21 United States Attorney

22 /s/Daniel D. Hollingsworth  
23 DANIEL D. HOLLINGSWORTH  
24 Assistant United States Attorney

## PROOF OF SERVICE

I, Michelle C. Lewis, Paralegal Specialist, certify that the following individuals were served with copies of the **UNITED STATES OF AMERICA'S REDACTED UNOPPOSED MOTION TO SEIZE \$807,496.06 IN UNITED STATES CURRENCY FOR RESTITUTION AND \$100 IN UNITED STATES CURRENCY FOR THE MANDATORY ASSESSMENT** on December 10, 2013, by the below identified method of service:

**CM/ECF:**

Donald J. Green  
Law Offices of Donald J. Green  
4760 South Pecos Rd., Ste. 103  
Las Vegas, NV 89121  
Email: [crimely7777@aol.com](mailto:crimely7777@aol.com)  
*Attorney for Keith John Anderson*

/s/Michelle C. Lewis  
MICHELLE C. LEWIS  
Paralegal Specialist

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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA, )  
8 Plaintiff, )  
9 v. ) 2:13-CR-372-GMN-(VCF)  
10 KEITH JOHN ANDERSON, )  
11 Defendant. )

12 **REDACTED ORDER TO APPLY \$807,496.06 IN UNITED STATES CURRENCY TOWARDS**  
13 **RESTITUTION AND \$100 IN UNITED STATES CURRENCY TOWARDS**  
14 **THE MANDATORY ASSESSMENT**

15 This Court, having read and considered the United States of America's Unopposed Motion to  
16 Seize \$807,496.06 in United States Currency for Restitution and \$100 in United States Currency for the  
17 Mandatory Assessment, and good cause appearing, finds the \$807,596.06 in United States Currency is  
18 owned by Keith John Anderson ("Anderson").

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America is  
20 now entitled to, and should, reduce the aforementioned property to the possession of the United States of  
America;

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Federal Bureau of  
22 Investigation ("FBI") shall (1) seize \$807,496.06 in United States Currency for restitution and \$100 in  
23 United States Currency for the mandatory assessment from defendant's Charles Schwab One Trust  
24 account, in the name of Keith John Anderson TTEE KJA Trust, account number [REDACTED]; (2) require  
25 Charles Schwab (a) to print immediately the appropriate information that shows all the assets that are in  
26 Keith John Anderson's Charles Schwab One Trust account; (b) to liquidate the properties that are

1 not cash into cash up to the amount of \$807,596.06; (c) to issue a cashier's check in the amount of  
2 \$807,596.06, made payable to "Clerk-US District Court"; and (d) to immediately turn over the cashier's  
3 check to the FBI; and (3) deliver said check to the Clerk of the Court to apply towards restitution and the  
4 mandatory assessment owed by defendant Keith John Anderson.

5 **DATED** this 23rd day of December, 2013.

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Gloria M. Navarro  
United States District Judge